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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,936	10/03/2003	David Andrew Thomas	200309085-1	1203

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EXAMINER

DINH, MINH

ART UNIT

PAPER NUMBER

2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/678,936

Applicant(s)

THOMAS ET AL.

Examiner

Minh Dinh

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 11-27 and 38-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 28-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35

U.S.C. 121:

- I. Claims 1-10 and 28-37, drawn to a method for handling a request for a file transfer, classified in class 713, subclass 181.
- II. Claims 11-20 and 38-47, drawn to a method for handling a request to continue downloading a partially transferred encrypted file, classified in class 713, subclass 176.
- III. Claims 21-27 and 48-54, drawn to a method for file authentication and key distribution, classified in class 713, subclass 176.

2. The inventions I, II, and III are directed to related processes. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed have different functions and effects (i.e., a method for handling a request for a file transfer, a method for handling a request to continue downloading a partially transferred encrypted file, and a method for verifying

downloaded files). Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

5. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Richard Lay on 2/12/07 a provisional election was made with traverse to prosecute the invention of group I, claims 1-10 and 28-37. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-27 and 38-54 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, 7, 28-31 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Higashi et al. (2002/0107806). Higashi discloses a method comprising: receiving a request to transfer a file, i.e., to purchase a content (fig. 2, step 1001; paragraphs 0012, 0100); locating the requested file stored in a memory (paragraph 0015); computing a unique identifier corresponding to the requested file, i.e., determining a content ID corresponding to the requested file (paragraphs 0074-75, 0112, 0117); choosing a first key K1, i.e., content key (paragraphs 0014, 0074); encrypting K1, and the unique identifier with a second key K2, a public key, to generate a first value (paragraphs 0080-0083, 0094); encrypting the requested file with the first key, K1, to generate a second value (paragraphs 0015, 0128); and transferring the first and second values (paragraph 0016).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5-6 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashi as applied to claim 1 above, and further in view of

Bennett (6,963,923). Higashi does not disclose that interruption occurs to the transmission of the second value and when it happens, transmission of the second value will be resumed without retransferring the entire second value. Bennett discloses that file transmission interruptions do occur.

Bennett also discloses a method for file transfer restart without retransferring the entire file in the event of file transmission interruption (Abstract; col. 1, lines 42-53). It would have been obvious to one of ordinary in the art at the time the invention was made to incorporate Bennett method of file transfer restart in the event of file transmission interruption into Higashi method for file transfer. The motivation for doing so would have been to avoid the need to retransfer the entire file (Abstract).

12. Claims 8-10 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higashi as applied to claims 1 above, and further in view of Carpentier et al. (6,807,632). Higashi discloses that the unique identifier is the content ID. Higashi does not disclose that the content ID is an MD5 checksum of the content. Carpentier disclose using an MD5 checksum of content, i.e., a cryptographic hash binary sequence identifier of digital content, as the content ID (Abstract; col. 8, line 32 – col. 9, line 20). It would have been obvious to one of ordinary in the art at the time the invention was made to modify Higashi method to use an MD5 checksum of

content as the content ID, as taught by Carpentier. Not only such identifiers are human readable and easily communicated for use, they can also be used to show conclusively whether two digital contents are identical (col. 8, lines 57-65; col. 9, lines 4-15).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,226,618 to Downs et al.

U.S. Patent No. 6,868,403 to Wiser et al.

U.S. Patent No. 7,065,787 to Ganesan et al.

U.S. Patent App. Publication No. 2002/0099663 to Yoshino et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

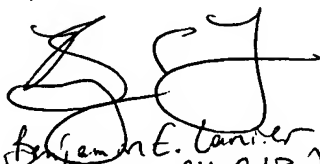
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MD

Minh Dinh
Examiner
Art Unit 2132

3/27/07


Benjamin E. Tanner
Examiner AU 2132